Chapter 7
Cultural Resources

Setting

Environmental Setting

Malibu Lagoon is located at the mouth of Malibu Creek, with the majority of the project area consisting of low-lying islands and tidal marsh surrounded by waters of the lagoon and creek. The Pacific lies to the south. Broad low lying delta sediments lie to the west of the project area, and it is probable that the lagoon has migrated within this delta setting over time. Elevation in the project area ranges from sea level to just above 25 feet above mean sea level. Slightly elevated beach front land exists along the eastern and western edges of the lagoon, and these areas have been available for human occupation and use—such as the Adamson House, situated at a little over 25 feet AMSL on the east side of the lagoon.

Historically, the lagoon extended beyond its current boundaries, but a significant portion of the once low-lying areas near the mouth of Malibu Creek were filled in the 1940s and 1950s. As a result of urban encroachments, the lagoon as we see it today is a very small portion of its historic area. The PCH Bridge has dissected and constricted the lagoon surface area. By the 1970s the project site was completely filled and was covered by two baseball fields. Soils occurring within and surrounding the lagoon are typical of a coastal valley floor alluvial landform and include Elder sandy loam, Sorrento loam, riverwash, and coastal beach.

Vegetation within the project area consists of various types of coastal scrub, and salt, brackish and freshwater marsh habitats, with many non-native and ruderal species. Malibu Lagoon supports numerous bird and invertebrate species. Lagoon habitats do not support many mammal or reptile species; however, fish are resident within the lagoon, and sea mammals also may have been present prior to extensive development (Merkel & Associates 2004).

In the past, several restoration efforts have been made. In 1983, the DPR initiated a restoration of the lagoon, which involved the excavation of three channels seeded with salt marsh plants. A series of boardwalks were created to allow for public access. In 1996, Caltrans funded a restoration plan to mitigate for impacts incurred during the Malibu Lagoon/PCH Bridge Replacement Project.

Cultural Setting

The following sections provide a context for human occupation and use of Malibu Lagoon. Discussion of the historic period occupation of Rancho Malibu and parts of the Chumash ethnography presented here are summarized from that presented in "The History of Malibu" (Malibu Lagoon Museum 2005).

Prehistoric Setting

California was first occupied prehistorically about 12,000 years (Moratto 1984). Archaeological research indicates that human populations extensively occupied the coastal regions of California more than 9,000 years ago (Padre Associates 2002). Research in the region occupied by the Chumash has produced a generally agreed on chronology (King 1990). This chronology is described briefly below.

Early Period (ca 8000 to 3350 B.P. [6000 to 1150 B.C.])

The Early Period has been divided into three phases, X, Y, and Z, with a gap between the X and Y phases. Early Period settlements appear to be residential base camps, and are usually located on hilltops or knolls.

The X Phase extends from 8000 B.P. to 7000 B.P. This phase is characterized by the use of large flake and core tools, millingstones and manos, combined with a lack of bone and shell tools, and ornamentation. Millingstones indicate grinding of hard seeds, probably gathered from sage plants.

Between 7000 B. P. and 5500 B.P., little is known about the region due to a lack of sites dating to this time period. This corresponds in time to the peak of the Xerothermic, a warm, dry climatic episode in the western United States (Axelrod 1981).

During the subsequent Y and Z phases, sites are once again present in the area. Mortars and pestles, appear at the beginning of Phase Y, indicating the addition of acorn processing to the subsistence base.

Middle Period (3350 to 800 B.P. [1150 B.C. to A.D. 1200])

The Middle Period is characterized by a shift in subsistence practices, with a more generalized hunting-maritime-gathering adaptation replacing a focus on plant gathering and the use of hard seeds. The predominance of the mortar and pestle among milling tools indicates increased exploitation and dependence on acorns acorns (Glassow and Wilcoxon 1988). Social aspects that develop during this period, as evidenced by mortuary data, include inherited leadership, status differentiation, and religious specialization.

Villages of this period were permanently occupied and some satellite sites became differentiated in size and purpose. Middle Period sites are distinguishable into sub-phases by different types of bead and projectile points along with other diagnostic artifacts. Middle Period sites tend to be small and often contain artifacts that are lighter and more portable than those from earlier sites (Padre Associates 2002).

Late Period (850 to 150 B.P. [AD 1200 to AD 1800])

The full development of Chumash culture, one of the most socially and economically complex hunting and gathering groups in North America, occurred during the Late Period (Arnold 1987). This period is marked by a dramatic increase in population along the southern California coast. The development of a highly effective maritime subsistence pattern utilizing exploitation of fish, shellfish, sea mammals, and waterfowl enabled villages of nearly 1,000 individuals to develop. These were the most populous aboriginal settlements west of the Mississippi River (Morrato 1984). These Chumash villages, also known as rancherias, were usually situated near the confluence of several watercourses or at ecotones. Permanent inland settlements subsisted on variety of resources including acorns, seed plants, rabbits, and deer. The smaller inland villages were economically allied with the larger coastal villages (Padre Associates 2002)

Ethnographic Setting

Malibu Lagoon is situated within the territory of the Chumash Native American group. The Chumash occupied the region from San Luis Obispo to Malibu Canyon on the coast, the four northern Channel Islands, and inland as far as the western edge of the San Joaquin Valley (Grant 1978). The Chumash are subdivided into subgroups based on six distinct language dialects: Barbareno, Ventureno, Purisimeno, Ynezeno, Obispeno, and Island. The project area is situated within the territory of the Ventureno, a Coastal Chumash group (Grant 1978). The name is derived from the nearest mission, San Buenaventura. A Chumash village, *Humaliwo,* was located beyond the northeastern side of the lagoon on a small rise overlooking the lagoon and the ocean. This is now the site of the Adamson House.

The Chumash were very advanced in their culture, social organization, religious beliefs, and art and material object production (Morrato 1984). Class differentiation, inherited cheftainship, and intervillage alliances were all components of Chumash society. They were excellent craftsmen, and were known for well-made tools, bowls, and baskets. Of note are bowls and carvings of killer whales and other forms of sea life and effigies made from steatite. Sometimes the bowls were inlaid with colorful abalone shells. Other implements were made of sandstone, including large bowls. Flint, chert, and obsidian were used to make projectile points, drills, scrapers, choppers, and knives.

Baskets made by the Chumash were outstanding in workmanship and design. Baskets were used for gathering of seeds, bulbs, and roots. Water was stored and carried in baskets waterproofed on the inside with naturally occurring tar, called asphaltum. Asphaltum was extensively used by the Chumash to caulk canoes or "tomols," seal water baskets, attach shell inlay to bowls, and fasten arrow and spear points to shafts.

Fish hooks were made of abalone shell. The major use for the shell, however, was for decoration. It was lavishly inlaid on stone, bone, and wood. The surface to be decorated received a coating of asphalt onto which was pressed the shell inlay. Giant Pismo clams were used for beads and money. Many tiny drilled shell beads were manufactured, for use as decoration and a means of exchange.

Bone was used by the Chumash for many artifacts. It was extensively used for necklaces, especially as long tubular beads. Flutes and whistles were also made of bone, usually of deer tibia. Whalebone was used for many tasks including wedges to split wooden planks, and bars to pry abalone loose from coastal rocks. A notable technological achievement of the Chumash was the planked canoe or "tomol." These were made of several planks sewn together at the seams with very strong twine and the joints sealed with asphaltum. For more information on Chumash history and culture in and around the project site, one can visit the Wishtoyo Foundation website at www.wishtoyo.org.

Humaliwo village was one of the most important Chumash villages along the coast. Extensive cultural remains are present at this site, as well as numerous human burials. The archaeological site CA-LAN-264 encompasses the village of *Humaliwo* as well as prehistoric components that date back at least 3000 years. Portions of the site may date as far back as 7000 years B.P. (Gamble et al 1995, 1996).

The site was originally recorded in 1959, and several excavations took place at the site in the 1960s and 1970s. The site consists of five components: an Early/Middle Period deposit, a Middle Period deposit, a Middle Period cemetery, a Late Period deposit, and an historic era cemetery. Numerous artifacts and other cultural materials have been collected from the site, which consists of an extensive shell midden. The site includes more than 200 burials, some with tomols. Some burials

include numerous shell and glass beads, fish and whale effigies (Gamble et al 1995, 1996).

Historic Setting

The first recorded European activity at Malibu Lagoon occurred in 1542, when Spanish sailor Juan Cabrillo anchored there to obtain fresh water. Sailing northward up the California coast, he anchored on October 10th in the small bay at Malibu Lagoon, and claimed this landfall for the King of Spain. He stayed until October 13th, filling his water casks and naming this tranquil lagoon and beach in his log the "Pueblo de las Canoas" (Town of the Canoes), because of the many canoes which came to visit his ships from the adjacent village.

The first Franciscan mission in Chumash territory was built at San Luis Obispo in 1772. Four additional missions were built in this cultural area at San Buenaventura (1782), Santa Barbara (1786), La Purisima Concepcion (1787), and Santa Ynez (1804). Inhabitants of *Humaliw*o were recruited into these missions. By 1805, all native inhabitants of the village had been pressed into the Mission system, either at Mission San Fernando or Mission San Buenaventura, and *Humaliwo* was abandoned (Gamble et al 1995, 1996).

An expedition led by Spanish explorer Juan Bautista de Anza camped at Malibu Creek on February 22, 1776. One member of this expedition, Jose Bartolome Tapia, rode down the canyon to the beach, to explore the area. The Tapia family ultimately settled in Northern California, where Jose Tapia became *mayordomo* of San Luis Obispo Mission Rancho. In 1800, Jose Tapia and his family returned to southern California and began farming near San Gabriel. Tapia then applied for a grant of the land he had seen in 1776, and due to his previous service in the army, was awarded an area of about 13,330 acres, named Rancho Topanga Malibu Sequit. Tapia lived with his wife and family on Vaquero Flats in Rancho Malibu raising cattle until his death on April 18, 1824. The widow of Jose Tapia owned the Rancho until 1848, when it was sold to Leon Victor Prudhomme, who had married her granddaughter Maria Tapia.

Prudhomme had acquired the property during the transition period between Mexican rule and United States administration of California. When the U.S. Land Commission began hearings in 1852, Prudhomme put in his claim for the Rancho Malibu. No documents could be produced actually proving the early-day grant of Malibu to Jose Tapia. A search of the Surveyor General's office in San Francisco proved futile, and in 1854 the Commissioners turned down Prudhomme's claim.

Prudhomme remained on the land although he did not have clear title. This was the era of the California gold rush, and the rancho’s cattle brought high prices when driven north to the mining camps. By 1857, however, a panic and financial depression had hit California. Prudhomme was discouraged and sought a buyer for his rancho.

In 1857 Don Mateo Keller, born Matthew Keller in Ireland in 1811, paid the Prudhommes $1,400, or about 10 cents an acre, for the entire rancho. With new evidence and better lawyers, Keller's claim to Rancho Malibu was confirmed on October 24, 1864. Matthew Keller died in 1881 and his son, Henry Keller, succeeded his father as owner of the Rancho

In 1892 Frederick Hastings Rindge, a Harvard graduate who inherited two million dollars on his 29th birthday, bought the Rancho Topanga Malibu Sequit from Henry Keller. Rindge, a poet as well as a businessman, was drawn to the extraordinary setting of the rancho, which he described in his self-published book, *Happy Days in Southern California*. Rindge, his wife, May, and their three children resided in Santa Monica; Rindge became a prominent local businessman, as the founder of the Conservative Life Insurance Company (later Pacific Mutual), and the Los Angeles Edison Electric Company.

In 1903 Frederick Rindge began plans to construct a railroad on the Rancho Malibu, to be called the Hueneme, Malibu and Port Los Angeles Railway, in order to deter threats he believed stemmed from the Southern Pacific Railroad's presence in Southern California. Before the work began, Rindge died suddenly in 1905. After his death, his widow May Rindge spent the next twenty-odd years building the railway and fighting the Southern Pacific. Although Mrs. Rindge prevented the railroad from crossing her ranch, she was unable to stop the State of California from constructing and opening the State Highway (now Pacific Coast Highway) in 1928.

Residential and commercial development in Malibu began in 1929, after the establishment of the State Highway. May Rindge, and later her daughter Rhoda Rindge Adamson, through their Marblehead Land Company gradually sold off parcels of the property that reduced the family's land holdings to 4,000 acres by 1962. Four years later, the family's holding company, the Adamson Companies, donated 138 acres to Pepperdine University.

The Adamsons built a beach house in 1929 on land given to them by May Rindge. The site, on the south side of the lagoon within the project area, was called Vaquero Hill because a cowboy shack once stood there. They used the home as a beach house maintaining their permanent home in the Hancock Park area of Los Angeles from 1924 to 1936. In 1936 the beach home became their permanent residence.

After the death of Rhoda Rindge Adamson in 1962, State Parks worked with the Adamson descendents to acquire the property due to their ownership of the popular Surfrider Beach located just to the north. State Parks acquired the Adamson House in 1968. State Parks staff recognized the unique architectural and archaeological significance of the property as well as the challenges for long-term maintenance of the house, buildings, and grounds. With support from the newly formed Malibu Historical Society, the historical significance of the house and grounds were recognized. In 1977 the Society's efforts got the property

successfully placed on the National Register of Historic Places (NRHP). The house, boat house, landscape features, and manicured grounds surrounding the property are all considered contributing elements of the historic property. The House is also listed as California Historical Landmark No. 966. The Adamson House currently is home to the Malibu Lagoon Museum.

Regulatory Framework

California Environmental Quality Act

According to CEQA (Public Resources Code [PRC], Section 21084.1), historical resources include any resource listed, or determined to be eligible for listing, in the California Register of Historical Resources (California Register). Properties listed in or determined eligible for listing in the National Register, such as those identified in the Section 106 process, are automatically listed in the California Register. Therefore, all "historic properties" under federal preservation law are automatically "historical resources" under state preservation law (see PRC 5024 below). Historical resources are also presumed to be significant if they are included in a local register of historical resources or identified as significant in a qualified historical resource survey.

As defined under state law in Title 14 CCR §4850, the term "historical resource" means "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California." Architectural resources generally include man-made features that compose the recognizable, built environment. This category typically includes extant, aboveground buildings and structures that date from the earliest European colonial settlements until the present day.

For the purposes of CEQA, "historical resource" is further defined under PRC §15064.5 as a "resource listed in, or determined eligible for listing in the California Register." Section 15064.5 of the *State CEQA Guidelines* sets forth the criteria and procedures for determining significant historical resources and the potential effects of a project on such resources.

Generally, a cultural resource shall be considered by the lead state agency to be "historically significant" if the resource meets any of the criteria for listing on the California Register, including the following:

- the resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- the resource is associated with the lives of persons important in our past;

- the resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual or possesses high artistic values; or
- the resource has yielded, or may be likely to yield, information important in prehistory or history.

The cited statutes and guidelines specify how cultural resources are to be managed in the context of projects such as the proposed Project. Briefly, archival research and field surveys must be conducted, and identified cultural resources must be inventoried and evaluated in prescribed ways.

California Health and Safety Code

Human remains are sometimes found in isolation or associated with archaeological sites. According to CEQA, "archaeological sites known to contain human remains shall be treated in accordance with the provisions of State Health and Safety Code Section 7050.5." The protection of human remains is also ensured by California Public Resources Codes, Section 5097.94, 5097.98, and 5097.99.

If human remains are exposed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. Construction must halt in the area of the discovery of human remains, the project proponent must assure that the area is protected, and consultation and treatment shall occur as prescribed by law.

California State Parks Policy Under PRC 5024

PRC 5024(a) requires each state agency "to formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction." PRC 5024.5 mandates that each state agency assure that its actions do not adversely impact significant resources without consultation with the SHPO.

DPR's obligation to "administer the cultural and historic properties under its control in a spirit of stewardship and trusteeship for future generations" is also set out in Executive Order W-26-92, issued by the Governor on April 8, 1992. The Executive Order mandates that all state agencies establish policies, plans and programs in such a way that historical resources are protected, that they ensure that such resources are given full consideration in planning decisions, and that they institute procedures to these ends in consultation with the SHPO.

The Department's procedures and policies are established to meet DPR's responsibilities under the above mentioned laws. They are implemented through a Memorandum of Understanding (MOU) with the SHPO. The MOU delegates to DPR for the SHPO's regular oversight responsibilities

for projects that might affect historical resources under State Parks ownership and purview. These procedures define that internal review process, its limitations, and its articulation with other laws and standards. Practical and effective performance under the procedures is the mandated prerequisite for this delegation to DPR.

Study Methods

Record Search and Literature Review

Lists from various national, state, and local agencies were consulted for identification of resources of known architectural or historical importance within the study area. These lists included the National Register, California Historical Landmarks, California Points of Historic Interest, State Office of Historic Preservation Historic Resources Inventory, and the City of Los Angeles List of Historic-Cultural Monuments, and a review of Gebhard and Winter's *Los Angeles: An Architectural Guide*.

Additional information was obtained as a result of the records search performed on November 10, 2005, by the South Central Coastal Information Center at California State University, Fullerton. The results indicated that 16 archaeological sites, 15 prehistoric and one historic, have been recorded within a mile of the project area. One of these, the *Humaliwo* village site, CA-LAN-264, is partially within the project area, on the northeast side of the lagoon. This Chumash village site is listed on the National Register of Historic Places. Ninety-three previous archaeological investigations have taken place within a mile of the project area; of these 20 are located within the project area.

A copy of the 1903 15-minute Calabasas topographic map, as well as depicting a larger extent of the lagoon to the west, also shows four structures on the northeastern edge of the lagoon, in the area that would become the Adamson estate. These are presumably the "cowboy shacks" and associated buildings that stood at the edge of the sea prior to the construction of the Adamson House.

Native American Consultation

It is the policy of DPR to maintain open communication and ongoing consultation with Native American groups in California. DPR recognizes its special responsibility as the steward of many sites of cultural significance to living Native peoples in California. Therefore, in promulgating its policies and implementing projects that may have significant impacts to Native American sites within the State Park System, DPR actively consults with Native American groups.

The Native American Heritage Commission (NAHC) was contacted regarding the project in October and November 2005. A reply from the

NAHC on November 10, 2005 indicated that no sacred lands are recorded in the Sacred Lands files. The NAHC also provided a list of Native American groups and individuals who might have knowledge of cultural resources in the project area. Twelve of these groups and individuals were contacted by letter on November 22, 2005. Two replies were received, both by telephone. Both Native American individuals indicated that CA-LAN-264 was a very sensitive resource, and requested continued contact regarding the project, and Native American monitoring at the site area during project construction. One Native American individual indicated they may have re-buried human remains at the *Humaliwo*, and requested a walkover tour of the project area to ascertain if this memory is correct. This individual indicated that forms that should have been filed with the NAHC regarding reburial may not have been files, thus the negative results of the NAHC review of the Sacred Lands file.

Efforts will continue to contact the remaining 10 individuals on the list provided by the NAHC. Follow-up calls will be conducted by a State Parks archaeologist or designee, and consultation will continue as long as designated Native American individuals or groups request it.

Field Surveys

A field survey to identify historical and architectural resources that may be affected by the proposed project was undertaken by professionals meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9). The survey applied National and California Register criteria to previously documented historic and architectural resources and to all newly identified buildings more than 50 years of age within the study area. It must be noted that the project area extends only to the edge of Malibu Lagoon, and thus CA-LAN-264 as mapped (Dillon 1987) and the Adamson House and grounds are not within the project site. Final construction plans will be designed to avoid effects to landscape features of the Adamson House and grounds, and to avoid the known area of CA-LAN-264.

A reconnaissance survey—an unsystematic walkover of the project area based on surface visibility—was used in an attempt to identify prehistoric and historical archaeological resources. The vast majority of the project site is under water, and the muddy lagoon edges were surveyed only as feasible. This walkover was conducted on November 5, 2005. Because of dense vegetation in the project area, surface visibility was very limited. Modern development in the project area, e.g., roads, parking lots, lawns, also obscured visibility, and due to these factors a systematic survey was not conducted.

Flower beds, eroded areas, and other open areas west of the Adamson House, which are outside of the project site, were also examined. Black, sandy soil was observed in these areas, which are mapped as part of the midden deposits for *Humaliwo*. No evidence was observed of the

remains of the structures present in the area prior to construction of the Adamson House.

Study Findings

Archaeological Resources Identified

No prehistoric or historical archaeological resources were observed during a pedestrian walk over of the project area. One National Register listed site, CA-LAN-264, *Humaliwo*, is located adjacent to the project area at the site of the Adamson House. The Malibu site has been excavated several times in the past, particularly by UCLA teams in the 1960s and 1970s. The site lies on the east side of Malibu Lagoon, encompassing the Adamson House location, part of the Surfrider Beach parking lot, and an area north of PCH.

Within the grounds of the Adamson House, archaeological deposits are over 15 feet thick and consist primarily of shell midden, as was observed in the open areas of the Adamson grounds. Within the parking lot area of Surfrider Beach and the south shoulder of PCH, a prehistoric cemetery has been found; north of PCH a proto-historic cemetery was located. More than 200 burials have been removed from the site (Dillon 1987:44). Much of this work was poorly reported in the past, and details on archaeological work undertaken, if any, adjacent to the project area, were not available for this project at the Archaeological Information Center. However, State Parks has prepared a series of summary documents for this site, which can be accessed at State Parks. These records and reports are located in State Parks' Southern Service Center office in San Diego.

The project area was mapped in relation to the known boundaries of CA-LAN-264, and the site lies immediately east of the main lagoon channel, adjacent to the Adamson House boat house. This part of the site has been disturbed by landscaping and grading for the Adamson House grounds, but it is possible that prehistoric deposits remain intact.

Architectural Resources Identified

Results of the identification effort indicate there is one historic architectural resource that may be affected by the project. The Adamson House was listed on the National Register of Historic Places [period of significance 1929–1949] on October 10, 1977. It is California Historical Landmark No. 966. No other architectural resources would be affected by the proposed project.

The Adamson House is renowned for its display of Malibu tiles, which came from the Rindge/Adamson family's Malibu Potteries, originally located nearby. May Rindge commissioned the house in 1929 as a gift to her daughter, Rhoda, who had married Merritt Adamson in 1915. She

hired architect Stiles O. Clements, renown for his commercial work with the firm Morgan, Walls and Clements, to construct the Mediterranean Revival-style residence, with its Moorish and Spanish details such as red tile roofs, white stucco walls, iron grilles, balconies and patios.

The historical property also includes several outbuildings including a guest house, boat house, pool house, lath house, shop and kennels. Contributing historic landscape features include the surrounding earthwork topography, numerous examples of exotic vegetation, pathways, motor drive, exterior property wall (which extends down coast to the historic Malibu Pier) and numerous pieces of decorative landscape furniture and objects. Almost all of which Stiles O. Clements designed as one with the Adamson House.

The Adamson family inhabited the house from 1936 until 1962. In 1968 the State of California acquired the Adamson House property for $2.7 million. The house was successfully placed on the National Register of Historic Places in 1977.

Impacts and Mitigation Measures

Thresholds of Significance

Section 15064.5(b) of the State CEQA Guidelines, entitled "Determining the Significance of Impacts on Historical and Unique Archaeological Resources," would apply to historical resources that are found eligible for the California Register or meet the other significance criteria in Section 15064.5(a) of the guidelines. Section 15064.5(b) of the guidelines is as follows:

A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

1. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
2. The significance of an historical resource is materially impaired when a project:
    a. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
    b. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources

pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

c. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

3. Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on historical architectural resources.

Construction Impacts and Mitigation Measures

The existing boat house channel would be deepened and recontoured to create a new avian inland along the western bank of the Adamson House grounds. The proposed work would not cause any alteration or destruction of the boat house building, nor would any historic landscape features of the Adamson House grounds be directly affected by the proposed project.

While the “immediate surroundings” of the Adamson House would be altered, the overall restoration plan would not materially impair the significance of the property and grounds. The existing setting of the Adamson House is contextually related to the lagoon, and the proposed restoration is compatible in use and association.

The parking lot and staging lawn would be relocated to the north and west and be adjacent to PCH. As a result of the application of the State CEQA Guidelines criteria for determining impacts on historical resources, the proposed project would alter the “immediate surroundings” of the Adamson House and its contributing buildings, but this would not change or materially impair its significance or the significance of any of its contributing architectural or historic landscape features.

As regards the Adamson House and its associated historic landscape, the proposed project would not “cause a substantial adverse change in the significance of an historical resource … [meaning] physical demolition,

destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The Adamson House would remain on the National Register after implementation of the proposed project; therefore, its significance would not be changed or materially impaired.

No significant adverse impacts were identified to historical architectural resources, including the Adamson House and its contributing buildings and landscape features; therefore, no mitigation measures are required or proposed to reduce significant impacts.

Although one known prehistoric archaeological site, CA-LAN-264, has been recorded within the vicinity of the project site, no evidence of this site was observed during surveys within and immediately adjacent to the project site. However, portions of this site or of other unknown archaeological resources, including human remains, could be buried within main channel lagoon sediment adjacent to the site. As such, unknown cultural materials could be exposed or damaged by project-related earth moving. This potential damage or destruction to a significant historical resources, if not mitigated, could result in a substantial adverse change in the significance of an historical archaeological resource and thus may have a significant effect on the environment.

Therefore, the following mitigation measures are required to account for three circumstances: 1) the potential to impact CA-LAN-264; 2) unanticipated discoveries of cultural resources; and 3) unanticipated discoveries of human remains.

Impact CR-1: Potential for Impacts to CA-LAN-264

Prehistoric site *Humaliwo*, CA-LAN-264, is listed on the National Register of Historic Places, which makes it eligible for listing on the CRHR. As noted above, the proposed project does not include any earthwork or disturbance within the mapped boundaries of CA-LAN-264. However, disturbances to as yet unknown buried resources immediately outside the mapped boundaries would have an adverse effect and would be considered a significant impact. Implementation of the mitigation measure below will reduce potential impacts to less-than-significant levels.

Mitigation Measure CR-1: Cultural Resources Testing in area adjacent to CA-LAN-264

Cultural resources, including CA-LAN-264 and the historic Adamson House grounds and ancillary structures, will be avoided to the extent possible. The hydrology of the lagoon will not be changed such that the boathouse or grounds are at greater risk of flood or construction impacts.

Cultural resources excavations will be undertaken prior to any ground-disturbing activities along the eastern bank of the main lagoon

channel adjacent to CA-LAN-264 if any project-related earthwork occurs within 100 feet of the known boundary of CA-LAN-264. Test excavations shall not take place within the known boundaries of CA-LAN-264 but adjacent to the boundaries if project construction would require any ground-disturbing activities within 100 feet of the known site boundary.

Because sensitivity is moderate to high for cultural resources, including human remains, to be present along this edge of the project area, a subsurface testing program should be implemented to identify if resources are present and evaluate potential NRHP-eligible resources.

If subsurface testing identifies intact, significant archaeological resources within the project area that cannot be avoided, the project would have an adverse effect. Development of measures to mitigate adverse effects would be necessary and a Memorandum of Agreement would be required to complete Section 106 consultation, reduction of significant adverse impacts under CEQA and compliance with PRC 5024.5.

The preconstruction testing program should include, but need not be limited to:

- development of a testing strategy to identify subsurface archaeological deposits, including further research on previous investigations and regarding previous lagoon excavations, in an effort to refine the scope of any field effort;
- evaluation of significance and integrity of exposed archaeological deposits (according to the National Historic Preservation Act [NHPA], NRHP, and CRHR criteria), if present, in consultation with the State Historic Preservation Officer (SHPO); and
- consultation with local Native Americans if prehistoric or ethnohistoric resources are identified.

Upon identification of any significant prehistoric or historical archaeological resources, it will be necessary to avoid these resources during project development, or to formulate a treatment plan to mitigate adverse effects. A treatment plan, adopted within a Memorandum of Agreement, to be negotiated in consultation with the SHPO, would likely include the following:

- an acceptable data recovery plan stating specific research goals and questions that are to be addressed if archaeological deposits are to be recovered,
- postfield artifact processing and analysis,
- report preparation in accordance with the guidelines of DPR, and
- permanent curation of artifacts and documents in a repository consistent with the National Park Service guidelines for the curation

of archaeological collections (36 Code of Federal Regulations [CFR] 79).

Feature recovery should employ standard archaeological excavation techniques. The testing and evaluation plan should be designed and implemented by a qualified Prehistorical Archaeologist and, if discoveries warrant, a qualified Historical Archaeologist.

Both the testing and evaluation plan and the data recovery strategy shall be developed and implemented in consultation with interested local Native American groups. Plans shall state that Native American human remains will be treated in compliance with Health and Safety Code, Sections 7050.5, 8010, and 8011 and Public Resources Code, Section 5097.98.

Mitigation Measure CR-2: Cultural Resources Monitoring in area adjacent to CA-LAN-264

Cultural resources monitoring by State Parks archaeologists or designees shall be conducted during any ground disturbing activities along the eastern bank of the main lagoon channel adjacent to CA-LAN-264. Monitoring will be conducted if conditions allow for observation of spoils. Monitoring of dredging is probably not feasible given underwater activity would not be visible. However, underwater cultural sites may be present, and the material dredged will be inspected for the presence or absence of cultural material. The remainder of the project area may be monitored if notable cultural materials are discovered, or monitoring may be further limited if the monitoring area appears previously disturbed (as may be the case in areas where the California Department of Transportation (Caltrans) has deposited fill material and riprap).

If prehistoric cultural resources are discovered in this area during monitoring or other construction, all work shall be halted in the vicinity of the archaeological discovery until a State Parks archaeologist or designee can visit the site of discovery and assess the significance of the archaeological discovery. Further treatment may be required, including modification of plans to avoid impacts to the site, site recordation, excavation, site evaluation, and data recovery. Avoidance of cultural resources shall be the top priority at all situations.

Impact CR-2: Potential for Ground-Disturbing Activities to Damage Previously Unidentified Buried Cultural Resource Sites

Buried cultural resources that were not identified during field surveys could be inadvertently unearthed during ground-disturbing activities that could result in the demolition or substantial damage to significant cultural resources. Avoidance or reduction of this potentially significant

impact on buried or otherwise unidentified cultural resources would be achieved by implementing the following mitigation measure.

Mitigation Measure CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities.

If buried cultural resources—such as flaked or ground stone, historic debris, building foundations, shellfish remains or non-human bone—are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a State Parks archaeologist or designee can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs, such as excavation or detailed documentation. Avoidance of cultural remains shall be the top priority at all times.

If cultural resources are discovered during construction activities, the construction contractor will verify that work is halted until appropriate site-specific treatment measures, such as those listed above, are implemented.

Impact CR-3: Potential to Damage Previously Unidentified Human Remains

No human remains are known to exist within the project site. Further, archaeological testing would occur prior to construction activities to ensure avoidance of any remains or other significant cultural resources (see Mitigation Measure CR-1 above). However, due to the location of the project site in proximity to the *Humaliwo* village site (CA-LAN-264), potential will remain, however slight, that buried human remains that were not previously identified could be discovered. The following mitigation measure is required to ensure proper adherence to state laws regarding accidental discovery of human remains. Implementation would ensure that any potential impacts are reduced to less-than-significant levels.

Mitigation Measure CR-4: Comply with State Laws Pertaining to the Discovery of Human Remains.

If human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). Construction work shall not continue within 100 feet of a location where human skeletal remains are found.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American.

If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts, and shall oversee disposition of the human remains and associated artifacts by the project archaeologists. This impact would be significant, but implementation of the mitigation measures above would reduce this impact to a less-than-significant level.

Post-construction Impacts and Mitigation Measures

Once completed, the proposed project would have no operational components that could result in impacts to cultural resources. No impacts would occur and no mitigation measures are required.